



**U.S. Department of Justice**

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September 18, 2007

Honorable Wayne D. Brazil  
United States Magistrate Judge  
3<sup>rd</sup> Floor, Federal Courthouse  
1301 Clay Street  
Oakland, Ca. 94612

Subj: Request for Calendaring – William Lusk, III – CR-07-374-MJJ

Dear Judge Brazil,


Kelly in the Clerk's office brought to my attention today that the court's docket does not reflect that Mr. Lusk formally waived indictment on the Information filed on June 13, 2007. Mr. Lusk pled guilty to that single count Indictment last Friday, September 14, 2007, before Judge Jenkins. To rectify this procedural gap, I have spoken with AFDJ Jerome Matthews and our joint request is that the matter be calendared before the Court to obtain the waiver of indictment, and to confirm that the defendant was advised by his counsel prior to pleading guilty before Judge Jenkins that he understood he had a right to require the government to present his case to the grand jury, rather than proceeding by Information.

Our request is that the above matter be calendared for waiver of indictment on **October 2, 2007, at 10:00 a.m.** Mr. Lusk is scheduled to appear that morning at 9:00 a.m. before Judge Armstrong on the Form 12 Petition pending before Judge Armstrong.

Thank you for your consideration of this request.

Respectfully submitted,

SCOTT N. SCHOOLS  
United States Attorney

  
GEORGE L. BEVAN JR.  
Assistant United States Attorney